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DOC #:  
DATE FILED **SEP 03 2013**

By Email

August 30, 2013

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The Honorable Katherine B. Forrest  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl St., Room 730  
New York, NY 10007-1312

Re: In Re 650 Fifth Avenue and Related Properties, 08 Civ. 10934 (KBF)

Dear Judge Forrest:

This letter is submitted on behalf of the Greenbaum, Acosta, Beer, and Kirschenbaum Judgment Creditors, and all who joined in the submission of Plaintiffs' Exhibit List (collectively, the "Plaintiffs"), submitted to this Court under "Exhibit F" to the Joint Pretrial Order on August 26, 2013 ("Plaintiffs' Exhibit List").

After listening to the Court's direction as to how the trial will proceed, it occurred to us that the Court would benefit from the submission of the enclosed, revised exhibit list for the Plaintiffs' action. Because the Government filed a motion for summary judgment, we thought it important to have our own standalone exhibit list. Many of the documents on our list, however, are also on the Government's, though there are a number which are not on both lists. Because it appears likely that the Court will review the Government's exhibits first and resolve all objections to those exhibits, we thought it would be helpful to the Court to have a version of Plaintiffs' list which highlights those documents that are also on the Government's list so that the Court, when turning to the objections on our list, does not have to review documents and objections twice. As a result, on the enclosed updated exhibit list, all rows highlighted in yellow represent

The Honorable Katherine B. Forrest  
August 30, 2013  
Page 2

documents which appear on both the Government's list and the Judgment Creditor's list.

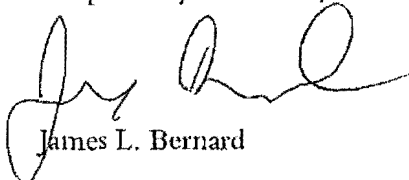
In one instance, the Government's exhibits list includes a segment of a document included in full (as produced during discovery) on Plaintiffs' Exhibits List. PX 496 is a document consisting of numerous leases related to the subject properties in this action. One of those leases appears on the Government's Exhibits List as GX 1009. PX 496 is highlighted in yellow because, to the extent the Court resolves the admissibility of the lease included as GX 1009, it also resolves objections as to the remainder of the leases comprising PX 496.

One document on the enclosed list, PX 105 was inadvertently omitted from the final version of Plaintiffs' exhibit list, and has now been re-added to the list. The revised list also reflects the Alavi Foundation's objections and Plaintiffs' responses. We will update the Court's binder as set forth below concerning translations.

Finally, in regard to the Farsi translation issues raised during the August 28, 2013 conference, Plaintiffs' exhibit list contains a total of approximately 80 documents either entirely or partially in Farsi. Of these approximately 80 documents, approximately 40 overlap with Farsi documents on the Government's exhibit list. At trial, Plaintiffs will rely upon the Government's certified translations of any overlapping Farsi documents.

As to the remaining Farsi documents unique to Plaintiffs' exhibits list, Plaintiffs will translate any such Farsi documents into English for use at trial, and as per your Honor's instructions, will place copies of these translations in the Court's exhibit binders no later than Thursday, September 5, 2013, at a time convenient to the Court (we will contact Your Honor's Deputy to arrange for this). Electronic copies of these translations will also be provided to all parties at the same time. Any Farsi documents that are not translated by that date will be removed from our exhibit list.

Respectfully submitted,



James L. Bernard

cc: All Counsel of Record (by electronic mail)

Original  
Past to Deborah.  
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